

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SANTOS RIVERA, individually. and on  
Behalf of all others similarly situated,

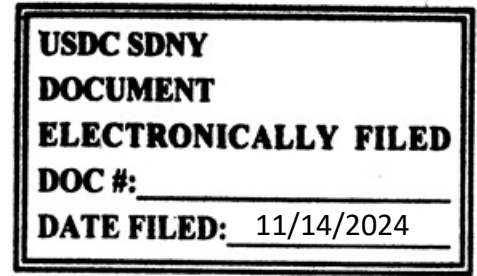
Plaintiff,

-against-

EASTLAND ASSOC CORP. and BENEDETTO  
CUPO, as an individual,

Defendant.

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**KATHARINE H. PARKER, United States Magistrate Judge:**



**22-CV-707 (KHP)**

**OPINION & ORDER ON MOTION  
TO ENFORCE SETTLEMENT AND  
JUDGMENT**

The parties in this wage and hour case reached a settlement, which the Court approved on July 5, 2023 pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). (ECF No. 49). Under the settlement, Defendants agreed to pay the sum of \$25,000 inclusive of attorneys' fees and costs. The Court retained jurisdiction of the matter for purposes of enforcing the settlement agreement.

On August 26, 2024, Plaintiff filed a motion to enforce the settlement agreement because Plaintiff failed to pay. (ECF No. 50). The agreement provides that if Defendants are notified of the breach and fail to cure within 7 calendar days, then all settlement amounts due under the agreement shall be immediately due. Additionally, in the event of a default and entry of judgment enforcing the settlement, Defendants are jointly and severally liable for the amount due, and also liable to Plaintiff for reasonable attorneys' fees and costs incurred to enforce the settlement agreement and judgment.

On September 12, 2024, this Court issued an Order to Show Cause by October 2, 2024 as to why judgment should not be entered against Defendant in the amount of \$25,000 for failure

to comply with the settlement agreement. (ECF No. 51). Defendant failed to respond to the Order to Show Cause.

Accordingly, Plaintiff's motion to enforce the settlement agreement and for entry of judgment in the amount of \$25,000 against Defendants is GRANTED. Plaintiff may apply for fees and costs associated with enforcing the judgment.

### **CONCLUSION**

For the reasons set forth above, the motion is GRANTED and JUDGMENT shall be entered in favor of Plaintiff against Defendants in the amount of Twenty-Five Thousand Dollars and Zero Cents (\$25,000). Defendants shall be jointly and severally liable for this amount.

### **SO ORDERED.**

DATED: New York, New York  
November 14, 2024



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KATHARINE H. PARKER  
United States Magistrate Judge